

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COMCAST OF ILLINOIS X,)	8:03CV311
)	
Plaintiff,)	
)	
v.)	ORDER
)	
MULTI-VISION ELECTRONICS, INC.,)	
and RONALD J. ABOUD,)	
)	
Defendants.)	
)	

This matter is before the court on defendant Ronald Abboud's motion to for relief from judgment under Fed. R. Civ. P. 60(b), Filing No. 201. This action is subject to the automatic stay provision of 11 U.S.C. § 362 with respect to defendant Abboud. See Filing Nos. 193, Suggestion of Bankruptcy; 198, Report and Recommendation; 199, Order Staying Proceedings. Defendant Abboud's bankruptcy case in the Southern District of Florida, case no. 07-15509, remains pending. The parties have not shown that the stay has been lifted. Any of the parties may apply to the bankruptcy court for relief from the stay pursuant to the provisions of 11 U.S.C. § 362(d), but "only the bankruptcy court may grant relief from the automatic stay." *Farley v. Henson*, 2 F.3d 273, 275 (8th Cir. 1993). Accordingly,

IT IS HEREBY ORDERED:

1. Defendant's motion to vacate (Filing No. 201) is stayed and held in abeyance until such time as the stay is terminated, expires, or is lifted.
2. The parties are directed to inform the court of relief from the stay, at which time the defendant may reassert the motion.
3. Any and all proceedings, including collection efforts, in this case are stayed during the pendency of the Bankruptcy case.

4. The clerk of Court is directed to close this case for statistical purposes pending resolution of the bankruptcy proceeding.

DATED this 2nd day of October, 2008.

BY THE COURT:

s/ Joseph F. Bataillon

Chief U.S. District Court Judge